



UTAH STATE CHARTER SCHOOL BOARD

Kristin Elinkowski, Chair
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March 11, 2019

Athenian eAcademy
c/o Board Chair Brett Nielson
765 East 340 South
Suite 203
American Fork, Utah 84003

Re: Notice of Non-compliance Pursuant to U.C.A. § 53G-5-501 and the Establishment of Probation Status.

Dear Athenian eAcademy Governing Board:

As you are aware, Athenian eAcademy was placed on Probation status on March 7, 2019, for the following deficiencies:

1. Low academic performance.
2. Board governance issues.

This letter is written notification, consistent with U.C.A. § 53G-5-501, of Probation status. This letter also identifies the terms and conditions of Probation. To show progress in addressing the above deficiencies, Athenian eAcademy (AeA) must provide sufficient documentation and evidence of implementing all of the following terms, by their stated due dates, to State Charter School Board (SCSB) staff:

1. By April 15, 2019, AeA must develop a written plan to provide state required testing opportunities to all Athenian eAcademy students, especially those not living near a physical campus. **Met.**
2. For the 2018-19 school year, AeA must have a four-year cohort graduation rate of at least 70%. **Not met. Four-year cohort graduation rate = 46.4%.**
3. AeA must improve its 2018-19 State Accountability overall score for both its elementary and high school reports (as compared to the 2017-18 State Accountability scores) and demonstrate sufficient academic results to avoid the bottom 2% for the high school report. **Met**
4. AeA must have at least 25% of high school students earn an ACT composite score of 18 or higher on the 2018-19 school accountability results. **Not met. For the 2019 accountability year = 15.4%. The average composite score was 15.**
5. AeA must obtain at least a median student growth percentile (MGP) of 45 for all three tested subjects (ELA, Math and Science) for school year 2018-19. **Met. Math = 50, ELA = 67, Science = 48.5.**
6. If AeA continues to use Northwest Evaluation Association (NWEA), they must have a minimum of 11% growth in high school grades (9th-12th) from the NWEA winter administration to end-of-year administration. Due to the limited time left in the current school year, if this term is not met, the SCSB may also consider NWEA mid-year performance for SY2019-20, if such data can be provided with enough time to review prior to the SCSB's December 2019 meeting. **Not met but showing improvement. Tests taken by AeA's distance students (which is not allowed by the charter), could not be included as test protocols were not followed. With the students who come to a campus, AeA did not meet this goal. However, this target may not have been appropriate. The target was set based on data provided to the SCSB by AeA in the March 2019 meeting. With the data now provided by AeA, staff doubts the veracity of the prior reported data. Thus, the target of 11% growth may have been too ambitious. AeA students start and**

continue to be low, but AeA students for the most part, on average did improve in normed comparisons. (see table below)

Grade	Math Percentile		Reading Percentile	
9	21	26	41	61
10	34	45	45	72
11	24	29	37	27

7. If AeA continues to use NWEA, they must have at least 50% of high school students (9th-12th) at or above grade level on all NWEA end-of-year tests. Due to the limited time left in the current school year, if this term is not met, the SCSB may also consider NWEA mid-year performance for SY2019-20, if such data can be provided with enough time to review prior to the SCSB's December 2019 meeting. **Not met but showing improvement. Data provided does not provide the percentage of students on grade level. However, staff could use the percentile to compare how AeA students compare to other students in each grade level. For years, end of year assessment, no high school grade with reported data was above the 30th percentile. This year's mid-year assessment is better, with many high school grades with reported data being in the 40th percentile or above. Note: this only includes students who are not in the distance only program.**
8. AeA must have a student transfer rate of 18% or less for the 2018-19 school year. **Not met. Transfer rate = 19.4%.**
9. AeA must have at least a 70% retention rate from the end of the 2018-19 school year to October 1, 2019. **Met. Retention rate = 75.3%.**
10. Beginning April 2019, AeA must hold monthly governing board meetings. These meetings must have a quorum of voting members and be conducted and led by the governing board chair. **Not met. Since being placed on probation AeA has held 12 board meetings. Of the 12 meetings, only 9 meetings had a quorum and only 3 meetings were conducted by the board chair. AeA did not hold a meeting in October. However, it should be noted that since transitioning to a new Director and making changes in board leadership in December AeA has met this term (for the last 3 months).**
11. Beginning April 2019, the AeA governing board must receive and discuss a monthly report on student academic progress. **Not met. AeA received an academic report for the months that the board met. However, the discussion to the academic report was not substantive. Occasionally board members would ask questions but there was little to no discussion. Since transitioning to a new Director and making changes in board leadership in December AeA has improved in discussing the academic report.**
12. Beginning April 2019, the AeA governing board must receive a monthly directors report. **Met. After initial feedback, this has improved, and a director's report is now given at each board meeting and uploaded to the Public Notice Website.**
13. Beginning April 2019, the AeA governing board must receive a monthly financial report. **Met. A financial report was presented to the board and discussed by the board in the last eight board meetings.**
14. By December 1, 2019, the AeA governing board must have at least four board trainings applicable to functioning as an effective governing board. **Met minimum requirement. Governing board has received training in board meetings. However, good governing board practices are still not observed in board meetings.**
15. Beginning April 2019, Athenian eAcademy must follow all applicable components of Utah's Open and Public Meetings Act (OPMA) including



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uploading recordings as required. **Not met.** Athenian eAcademy has noticed all meetings and uploaded recordings. One of the recordings was uploaded late. AeA has uploaded minutes for the past five meetings. Four of those meetings' minutes were posted late. Per UCA 52-4-202(4)(g)(ii-iii),

“(ii) within three business days after approving written minutes, make the approved minutes available to the public; and
(iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.”

Since transitioning to a new Director and making changes in board leadership in December AeA has met this term.

16. By September 1, 2019, Athenian eAcademy must develop evaluation criteria and a plan for the review of its executive director. **Met minimum requirement.** Created an evaluation survey for its executive director. It was not clear who would be doing the survey and how it would be evaluated. It also was stated it would be done quarterly, which is atypical and perhaps onerous. The evaluation is based on individuals' opinions of the director.
17. By November 1, 2019, Athenian eAcademy must conduct an annual review of its executive director. **Partially met.** AeA has adopted an evaluation and for their executive director. The evaluation will be conducted at the end of April annually.
18. While it is hoped that Athenian eAcademy will be able to successfully exit Probation, part of Probation necessitates a closure plan. Referring to the closure plan submitted in their application, and the closure checklist created by SCSB staff, Athenian eAcademy must develop a new closure plan by September 1, 2019. **Met.** Athenian has submitted a closure plan that meets the requirements.

As you address each of the above terms, Athenian eAcademy must also be in compliance with its approved Charter Agreement and all applicable state and federal laws, rules, and regulations. The SCSB also recently became aware of Special Education concerns that Athenian eAcademy will need to work with the State Special Education section to resolve. If Athenian eAcademy fails to meet any of the terms of this Probation letter, the SCSB may take one or more of the actions outlined in U.C.A. § 53G-5-501, including revoking the schools charter. We also encourage you to consider the Voluntary School Improvement Process as outlined in U.C.A. § 53G-5-502.

Oversight Coordinator Michael Clark will be your primary point of contact while on Probation. Please contact him with any questions and send him the documentation and evidence for each term. It is Athenian eAcademy's responsibility to provide sufficient documentation and evidence to show how each term is met. While on Probation, the SCSB also offers technical assistance and mentoring via mentoring funds provided in U.C.A. § 53F-2-705. Authorizing and School Support Coordinator Rebecca Cisneros will be contacting you to offer this support.

Sincerely,

Chair Kristin Elinkowski
State Charter School Board

cc: Athenian eAcademy Director Matt Throckmorton
State Charter School Board
State Superintendent Sydnee Dickson